THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5042 of 2007

Dated:20.03.2007

Between:
M/s.Sri Vani Granites

… Petitioner

AND

Govt. of A.P., and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5042 of 2007

ORDER:

The petitioner was granted a mining lease for road metal for building stone over an extent of 2.25 Hectares in Survey No.109 situated at Mamidipalem Village of Anakapalli Mandal in Visakhapatnam District. The lease is valid till 2020. The Regional Vigilance and Enforcement Department initiated action and issued a show cause notice to the petitioner alleging that the petitioner extracted mineral outside the leased area. Based on this, the third respondent imposed a penalty on the normal seigniorage fee in a sum of Rs.1,15,83,000/- under Rule 26(1) of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short 'the Rules'). Aggrieved by the same, the petitioner preferred a revision under Rule 35-A of the Rules and also moved an application for stay. As the stay was not granted, and the third respondent did not grant permits for removing the extracted mineral, the present Writ Petition is filed.

The matter was heard on 13.03.2007, and the learned Assistant Government Pleader for Industries was directed to get instructions. After getting instructions, the learned Assistant Government Pleader submits that the first respondent has already passed orders disposing of the revision petition while reducing the penalty imposed by the third respondent to two times. In that view of the matter, the petitioner is given liberty to approach the third respondent and take necessary steps for obtaining permits.

The Writ Petition is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

20.03.2007
vs